

REMARKS

Claims 1, 6 – 26, 30 and 31 are currently pending in the present application. Favorable consideration and allowance are respectfully requested of these claims.

The rejection of claims 1, 6 – 26, 30 and 31 under 35 U.S.C. § 112, second paragraph, as being indefinite is respectfully traversed.

Claim 1 is amended to reflect that the plate is installed under the cleaning unit to prevent cleaning agent from dripping. Accordingly, the relationship between the plate and the assembly is clarified and the scope of the claim is readily ascertainable.

Claim 30 was rejected as lacking antecedent basis. Claim 30 recites “the device” in the context of language which states:

“the device for cleaning an installation for the production or processing of foodstuffs or pharmaceuticals of claim 1”. Thus, the term “the device” finds antecedent support in claim 1.

The remaining claims were all rejected based on their dependency from claim 1. In view of the foregoing, the claims are definite and reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claims 1, 6, 7, 9, 14 and 16 under 35 U.S.C. § 103(a) over Hallet et al. (EP 0958849) in view of Horridge (6,402,854) and Luongo (5,622,196) is respectfully traversed.

Claims 6, 7, 9, 14 and 16 all depend from claim 1 and include the limitations thereof.

The Office Action admits that Hallet fails to disclose (i) a nozzle configured to be driven in a rotational movement and (ii) a parked position comprising a

plate. Horridge is offered as disclosing a nozzle configured to be driven in a rotational movement for cleaning an inside surface. Luongo is offered as disclosing a drip pan for collecting liquid.

Hallet relates to water treatment and is therefore unrelated to the technology of the present claims which are directed to installations and devices for use in the production or processing of foodstuffs or pharmaceuticals. The claims are limited in both the preamble and the language which indicates that the cleaning unit is adapted to clean essentially the whole inside surface of the installation where the production or processing of foodstuffs or pharmaceuticals takes place. A person of skill in the art would have no motivation to try to modify the teachings of Hallet so as to be useful for the devices contemplated by the present claims. The reliance on Hallet as a primary reference demonstrates and supports the nonobviousness of the presently claimed invention because Hallet is taken from nonanalogous art.

Moreover, the drip pan of Luongo does not amount to a parked position comprising a plate for a cleaning unit as is presently claimed. The drip pan of Luongo provides no feature which is such that a cleaning unit may be parked thereon during production. Luongo is directed to a very different cleaning apparatus than that contemplated by the present claims. In Luongo, a conveyor belt moves an article to be cleaned through a housing. There is no internal cleaning unit which moves inside a housing so as to clean the housing. Instead, Luongo is focused on cleaning articles which move through the housing. Because there is no cleaning unit which moves inside the housing, there is no need to have a parked position comprising a plate installed under the cleaning unit. Moreover, Luongo is directed to cleaning articles that are bulky, such as patio furniture, engine parts and industrial machine parts, *see* column 3, lines 44-50. There is no concern with getting cleaning fluid on these parts, in fact, the very object of Luongo is to apply the cleaning fluid to these parts.

The present invention, on the other hand, relates to an apparatus intended for producing or processing foodstuffs and pharmaceuticals. The cleaning unit is used to clean the interior surfaces of the apparatus and the parked position is provided so that the cleaning unit may be parked, for instance when not in use. An additional feature is that the plate provided prevents cleaning fluid from dripping onto the foodstuffs or pharmaceuticals as they are being processed. This arrangement is very different from that of Luongo.

Moreover, a proper showing of obviousness requires not only that the proposed combination of references teach or suggest all the claim limitations, there must also be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Still further, there must be a reasonable expectation of success for a person of skill in the art. *See*, § 706.02(j) of the MPEP.

In the present instance, there is nothing to provide one of skill in the art to first identify these three different references from varied and far-reaching technological arts. Still further, there is nothing to motivate one of skill in the art try to combine and modify the teachings of the various references as necessary to arrive at the presently claimed invention. The present record provides no discussion of why a person of skill in the art would be at all motivated to try to combine the various references. The Office Action does offer the conclusory allegation that “it would have been obvious to include a drip plate in the apparatus of Hallet et al to prevent the cleaning liquid being mixed with food stuff”. This ignores the reality that Hallet is directed to washing parts of a settler used in water treatment. Accordingly, there is no concern in Hallet regarding avoiding cleaning fluid from contacting food stuff, as there is are no foodstuffs processed by the Hallet device.

Because the cited combination of references fails to teach each and every element of the invention as claimed and because a person of skill in the art

would have no motivation to try to combine and modify the various references as necessary to arrive at the presently claimed invention, the obviousness rejection cannot be properly maintained. Reconsideration and withdrawal thereof are therefore respectfully requested.

The rejection of claims 8, 10, 11, 15 and 17 – 26 under 35 U.S.C. § 103(a) over Hallet et al. in view of Horridge and Luongo, and further in view of Vowles (5,265,671) is respectfully traversed. These claims depend from claim 1 and include the limitations thereof.

The proposed combination of Hallet, Horridge and Luongo is discussed above, along with the failure of these references to render obvious claim 1. Vowles is offered as teaching a driving gear and roller connected to the driving gear. However, Vowles does not make up for the failure of the three other references to teach all the elements of claim 1. Accordingly, the proposed combination of references fails to teach or suggest each and every element of claims 8, 10, 11, 15 and 17 – 26, all of which depend from claim 1.

Moreover, like the combination of Hallet, Horridge and Luongo, one of skill in the art would have no motivation to try to combine Vowles with these three other references. The present record is absent any showing of such motivation. In view of the foregoing, the obviousness rejection cannot be properly maintained and reconsideration and withdrawal thereof are respectfully requested.

The rejection of claims 12 and 13 under 35 U.S.C. § 103(a) over Hallet et al. in view of Horridge, Luongo and Vowles, and further in view of Smith (5,402,809) is respectfully traversed.

The proposed combination of Hallet, Horridge, Luongo and Vowles is discussed above, along with the failure of these references to render obvious claim 1. Smith is offered as teaching a steel chain as a power transmission element. However, Smith does not make up for the failure of the four other

references to teach all the elements of claim 1. Accordingly, the proposed combination of references fails to teach or suggest each and every element of claims 12 and 13, both of which depend (ultimately) from claim 1.

Moreover, like the combination of Hallet, Horridge, Luongo and Vowles, one of skill in the art would have no motivation to try to combine Smith with these four other references. The present record is absent any showing of such motivation. In view of the foregoing, the obviousness rejection cannot be properly maintained and reconsideration and withdrawal thereof are respectfully requested.

The rejection of claims 30 and 31 under 35 U.S.C. § 103(a) over Hallet et al. in view of Horridge, Luongo and Vowles, and further in view of Niederer, Jr. et al. (3,155,102) is respectfully traversed.

The proposed combination of Hallet, Horridge, Luongo and Vowles is discussed above, along with the failure of these references to render obvious claim 1. Niederer is offered as teaching a conveyor belt for moving foodstuffs. However, Niederer does not make up for the failure of the four other references to teach all the elements of claim 1. Accordingly, the proposed combination of references fails to teach or suggest each and every element of claims 30 and 31, both of which depend (ultimately) from claim 1.

Moreover, like the combination of Hallet, Horridge, Luongo and Vowles, one of skill in the art would have no motivation to try to combine Niederer with these four other references. The present record is absent any showing of such motivation. In view of the foregoing, the obviousness rejection cannot be properly maintained and reconsideration and withdrawal thereof are respectfully requested.

CONCLUSION

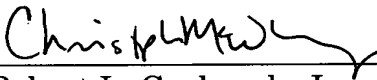
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Although a petition for an Extension of Time is submitted herewith, if necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket No. 038724.52864US).

Respectfully submitted,

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